

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

COALITION TO PROTEST THE )  
DEMOCRATIC NATIONAL )  
CONVENTION, et al., )  
                          )  
                         Plaintiffs, )  
                          )  
                         v. )                         Civ. No.04-11608-DPW  
                          )  
CITY OF BOSTON )  
                          )  
                         Defendant. )

AFFIDAVIT OF JOHN REINSTEIN IN SUPPORT  
OF MOTION FOR ATTORNEYS FEES AND COSTS

I, John Reinstein, under the penalty of perjury, hereby affirm:

1. I am one of the attorneys for the plaintiff and submit this affidavit in support of plaintiffs' motion for attorneys fees and costs.
2. I have been employed as an attorney by the American Civil Liberties Union of Massachusetts since 1971 and have held the position of Legal Director since 1974.
3. I am a 1969 graduate of the University of Pennsylvania Law School. I was first admitted to the bar in the District of Columbia in 1969. I was admitted to the bar in the Commonwealth of Massachusetts in 1971. I am also a member of the bar of the Supreme Court of the United States, the United States Court of Appeals for the First Circuit and the United States District Court for the District of Massachusetts.
4. In my current position, I am responsible for the direction and administration of the legal program of the American Civil Liberties Union of Massachusetts. My practice typically involves the planning and litigation of cases concerning civil rights and civil liberties. In

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the thirty-four years that I have been practicing law, I have been involved as counsel, as amicus curiae or as a consultant in hundreds of cases in which civil rights claims have been asserted on behalf of individuals.

5. I am a member of the Boston Bar Association, the Massachusetts Bar Association and American Bar Association. I served as an elected member of the BBA Council from 1988 through 1991. I served as a member of the Section Council of the MBA's Section on Individual Rights and Responsibilities from 1988 to 1991 and served on the MBA Coordinating Committee on Legal Medical Issues. I served as a member of the BBA's IOLTA Committee from 1990 to 1998.
6. Attached hereto as **Exhibit A** is a printout of the ACLU of Massachusetts records of my time spent on this case from July 8, 2004 through July 22, 2004 I entered my time in hours and minutes contemporaneously with my work on a computerized system. These records show that I spent 27.03 hours working on this case. Very short activities were not recorded. My hours are substantially less than my co-counsel who took the lead in preparing all pleadings filed in this matter. I have not included time that was spent in negotiations with the City of Boston, the Boston Police Department and the U.S. Secret Service concerning the arrangements for the protest at the Democratic National Convention. Nor have I included time that was devoted to the companion case involving the so-called "protest zone."
7. I believe that a reasonable hourly rate for my legal work is \$400.00 per hour based on my years of experience since 1971 litigating cases concerning constitutional rights. I have surveyed the currently prevailing rates in the Boston legal community and have found that

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an attorney in private practice with my level of experience would bill at a rate of at least \$450.00 and in some cases much higher.

8. All of the work I performed on this case was done as staff attorney for the American Civil Liberties Union Foundation of Massachusetts (ACLUFM), a nonprofit public interest legal organization dedicated to defending the Bill of Rights and state constitutional rights. The amount awarded by the court will not inure directly to my benefit, but will be paid to ACLUFM and will be used to provide legal assistance to other individuals whose civil rights or civil liberties have been threatened or violated.

Signed under the penalty of perjury this 31st day of May, 2005.

/s/John Reinstein  
John Reinstein